

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
Oakland Venue

Petition for Summons for Person Under Supervision

Person Under Supervision

Charles Edward Moss

Docket Number

0971 4:13CR00790-001 PJH

Name of Sentencing Judge: The Honorable Phyllis J. Hamilton
United States District Judge

Date of Original Sentence: August 6, 2014

Original Offense: Count One: Possession with Intent to Distribute and Distribution of Cocaine Base in the Form of "Crack" Within 1,000 Feet of School, 21 U.S.C. § 860(a) and 841 (a)(1) and (b)(1)(C), a Class B felony.

Original Sentence: 72 months custody; 6 years supervised release

Special Conditions: Drug treatment and testing; abstain from alcoholic beverages; \$100 special assessment; drug offender registration; not to own or possess any firearms, ammunition, destructive devices, or other dangerous weapons; expanded search; DNA; and a neighborhood ban.

Prior Form(s) 12: On September 18, 2018, the Court took judicial notice that Mr. Moss tested positive for marijuana on August 8, 2018, and September 5, 2018. On November 11, 2019, the Court took judicial notice that Mr. Moss tested positive for marijuana on October 3, 2018. On October 24, 2019, the court modified Mr. Moss' conditions to 25 hours of community service after Mr. Moss was arrested for driving under the influence.

Type of Supervision

Supervised Release

Assistant U.S. Attorney

Alexandra P. Summer

Date Supervision Commenced

March 2, 2018

Defense Counsel

Julia Jayne (Appointed)

Petitioning the Court

The issuance of a summons for the person under supervision to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on February 28, 2022, at 10:00am.

RE: Moss, Charles Edward
0971 4:13CR00790-001 PJH

2

I, Carolena Martin, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number

Violation

Charge One

There is probable cause to believe that the person under supervision violated mandatory condition number two that he shall not commit another federal, state or local crime.

On January 27, 2022, Mr. Moss possessed narcotics for sale, in violation of California Health and Safety Code Sections 11377a (Possession of Methamphetamine), a felony, 11359b (Possession of Marijuana for Sale), a misdemeanor, 11378 (Possession of Methamphetamine for Sale), a felony, and 11532a (Sale of a controlled substance), misdemeanor.

According to the Oakland Police Department Report, Mr. Moss was arrested after he was observed selling baggies of controlled substances to several subjects.

During officer surveillance, Mr. Moss was observed grabbing baggies from the trunk of a Toyota Corolla, License Plate #8LIC984. According to the police report, one clear plastic sandwich bag containing a total of approximately 2 pounds of marijuana and one clear plastic sandwich bag containing 73 unknown pills of various colors and shapes were seized during the search of the vehicle. According to the report, the pills have been sent to the lab for testing.

During a conversation with one of the arresting officers, he communicated that Mr. Moss is being charged and is scheduled to appear in state court in March of 2022.

Evidence in support of this charge can be found in the Oakland Police Department report (#22-004317 and #22-004367) and chronological entries dated January 28, 2022.

Charge Two

There is probable cause to believe that the person under supervision violated standard condition number seven that he shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

RE: Moss, Charles Edward
0971 4:13CR00790-001 PJH

3

As noted in Charge One, on January 22, 2022, Mr. Moss was in possession of narcotics and distributed them to several individuals.

Evidence in support of this charge can be found in the Oakland Police Department report (#22-004317 and #22-004367).

Charge Three

There is probable cause to believe that the person under supervision violated special condition number eight that he shall stay away from the area bounded by the corners of Myrtle Street and 26th Street, San Pablo Ave. And 27th Street, San Pablo Ave. and Athens Ave., Market Street and W. Grand Ave., and Myrtle Street and W. Grand Ave., in Oakland, California.

On January 26, 2022, Mr. Moss entered the boundaries of his stay away condition without the permission of his probation officer or the court.

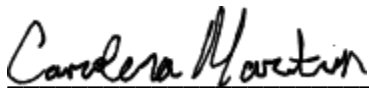
During officer surveillance, Mr. Moss was observed on the north sidewalk of Mead Ave, just east of USA Food Mart Convenience Store which is located at 2408 Market Street in Oakland, California.

Evidence in support of this charge can be found in the Oakland Police Department report (#22-004317 and #22-004367).

Based on the foregoing, there is probable cause to believe that Charles Edward Moss violated the conditions of his Supervised Release.

Respectfully submitted,

Reviewed by:



Carolena Martin
Probation Officer

Date Signed: January 31, 2022



Noel Belton
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

RE: Moss, Charles Edward
0971 4:13CR00790-001 PJH

4

☒ The issuance of a summons for the person under supervision to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on February 28, 2022, at 10:00am.

☐ Other:

January 31, 2022
Date

/s/ Phyllis J. Hamilton
Phyllis J. Hamilton
Chief United States District Judge

RE: Moss, Charles Edward
0971 4:13CR00790-001 PJH

5

APPENDIX

Grade of Violations: B USSC §7B1.1(a)(2), p.s.

Criminal History at time of sentencing: VI

	Statutory Provisions	Guideline Provisions
Custody:	3 years 18 U.S.C. §3583(e)(3)	21-27 months USSC §7B1.4(a), p.s.
Supervised Release:	5 years 18 U.S.C. §3583(h)	5 years USSC §7B1.3(g)(2), p.s.
Probation:	Not Applicable	Not Applicable